Edn & P.H **(1940) Department.**

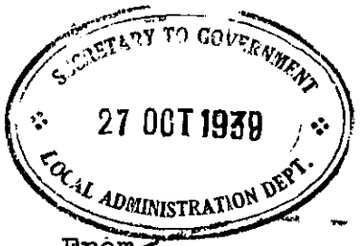
No. **SERIES.**

G.O. No. 521 P.H.

Dated 12-2-40.

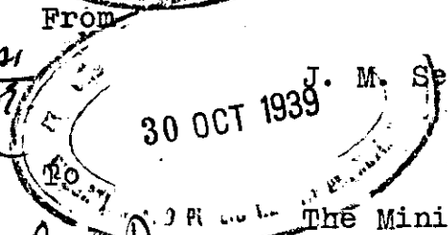
[Despatch Abstract.]

Town Planning - Mangalore Municipality - P Faineer Ward - Town Planning Scheme - Claims for betterment - Contribution - Petition against - Orders passed.



Mangalore,
19th October 1939.

From



J. M. Sequeira, M.A.,M.L., 360 1
Mangalore.

The Minister for Local Administration,
Government of Madras,
MADRAS.

45176

Sir,

I have the honour to forward herewith copies of the following resolutions which were passed at a meeting of the owners and rate-payers of Falnir and adjoining wards to protest against the Falnir Town Planning Scheme. The meeting was held in the grounds of the High Land Coffee Works and was well attended and prominent landowners including Messrs. S.B.P. Rebello, D.J.Brito, Jerome Saldanha and also the Municipal Ward Councillor Mr. C. L. Lobo spoke. I presided over the meeting and I have been authorized to communicate these resolutions to the authorities concerned.

I pray that you may be pleased to suspend for the time being, the further operation of the Falnir Town Planning Scheme, pending a suitable Memorial on the subject which will be submitted within a month, to draft which the influential and representative committee has been formed - vide Resolution 4.

Resolutions.

1. This meeting of the owners of lands and rate-payers of No. 18 Falnir Ward and the owners of lands adjoining it, who have received notices under Chap. IV of the Madras Act VII of 1920 respectfully request the Mangalore Municipality to drop the Town Planning Scheme for the following among other reasons:-

(a) The scheme comes entirely as a surprise upon the citizens of Falnir. (b) On account of the financial string-

ency and hardships to which the citizens are already subject on account of the revising municipal taxes. (c) The hardships that will be caused upon enforcement of the claims of betterment contribution of the citizens. (d) As the value of most of the lands comprised in the Falnir and adjoining wards has been declining year by year since 1929 on account of the depression. (e) As there is no necessity for any costly improvements such as those suggested by the Municipality in their T.P.Scheme for Falnir Ward in view of the existing good roads and ~~satisfactory~~ sanitary conditions in comparison with the other wards of the town and (f) the unsettled conditions and price boom entailed by the present world war.

2. This meeting further respectfully requests that the Municipality withdraw the present claim proceedings filed before the Revenue Divisional Officer, pending memorial of citizens of Falnir to the Government and the Municipality, which memorial will be submitted within a month from this date.

3. The Chairman of the meeting is authorized to forward copies of resolutions to (1) the Chairman of the Municipality (2) the District Collector (3) The Government of Madras (4) The Congress Council respectively.

4. A committee will be appointed, with power to co-opt of the following gentlemen to draft the memorial and to take such action in furtherance of the resolutions and etc:- A.C. Mascarenhas (Chairman), D.J.Brito (Convenor), S.B.P.Rebello, R.P.Colaco, Jerome Saldanha, J.A.D.Lobo, H. Thimmappa Pandit, B. Gopalkrishna Rao, M. Narasimha Shetty, A. Guruvappa, M. Krishna Shetty, George Herbert and B. Nagarajayya.

5. Resolved that these resolutions be communicated to the Press.

I remain,

Yours faithfully,

15th Nov 11/11

Edn + P.H. dept

46176 F.

Mp. 1-2 of C. No. ~~36054-F~~. From Mr. F. M. Sequeira, Mangalore, d/ 19-10-

Memo. No. 45176 F/39-1, d/ 9-11-39

Town Planning -
Mangalore Mty -
Taluk Town Planning
Scheme - Petition agai

Referred to the Comm., Mangalore Mty, for remarks which should be submitted through the D. T. P.

SRK
9-11-39.

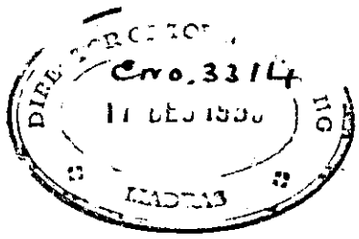
Messenger
Dpr'mental
Date 14.11.1939

To

The Comm., Mangalore Mty, thro' the C. M. C. (with c/f.)

Copy to the D. T. P.

Rema. 8-12-39.



Ref:2131/D2-37.

Resubmitted to the Secretary to the Government of Madras, Education & Public Health, through the Director of Town Planning & the Chairman, Municipal Council, Mangalore.

*****

A copy of the petition of Mr. J. M. Sequeira received in this office has been referred by the Municipal Council to the Town Planning and Law Committees which proposes to discuss the subject with the "representative and influential committee " referred to in resolution No.4. This petition and the meeting referred therein were got up on the Arbitrator appointed for the Falneer Town Planning Scheme taking up the betterment enquiry in respect of the claims of the Municipal Council. There does not seem to be much objection for the execution of the Town Planning Scheme as such. But the objection is mostly towards the levy of betterment contribution. Hence they request that the claims for betterment contribution may be withdrawn.

It is not possible at this stage to say whether the betterment levy will be a hardship until and unless the original market value is fixed by the Arbitrator. The parties contend that land value is generally declining from 1929 onwards. This is no doubt a point in favour of the ~~portion~~ parties although it may be difficult to prove it. The proper time for the representations of this sort is probably when the question of actual collection of betterment is taken in hand. The petitioner may therefore be directed to represent his case of hardship at the time of levy of

betterment. 11 DEC 1939

51563

The petition received is returned herewith.

Commissioner, M.M.

Forwarded:

Dated: Chairman, M.C.

Compd/

HDU/7/12/39/P

T. P. Sept

forwarded.

S. T. P.

12/12/39

Education & H. Dept

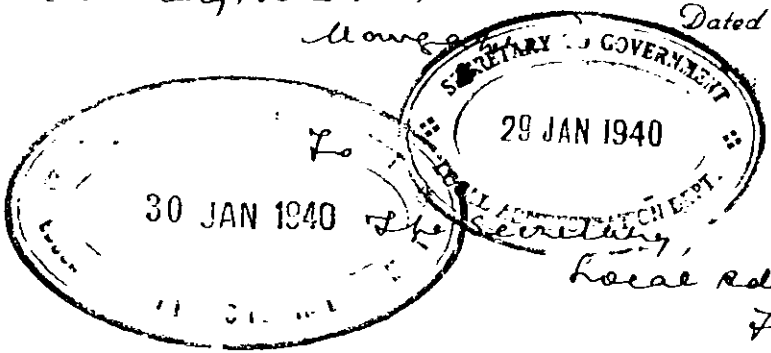
D T.P. No. 3228/39

13/12/39

BAR ASSOCIATION.
MANGALORE.

S. Nagarajaiah B.A. B.L Vakil
and Secretary, Rate Payers' Association
Mangalore

Dated 26.1.1940



To
The Secretary,
Local Administration.
Fort George.
Madras.

Sir,

I am herewith submitting a memorial by the Rate payers and Property owners of Falnir ward of Mangalore Municipality and I request that early orders may be passed on the memorial.

I am
Yours.
S. Nagarajaiah

L.A. Dept

Ed PH Ua.

RL
29.1.40

JM
30.1.40

Memo No. 3213-IA1/40
30.1.40

3819

THE SECRETARY
Local Administration
Government of Madras
Fort Saint George
MADRAS

From

The Rate-payers and Landowners of the Falnir Ward and the lands adjoining the said Ward in the Mangalore Municipality, South Kanara,

RESPECTFULLY SHEWETH,

1. That the Falnir Ward comprises of about 390 acres of dry sloping land with a channel in the middle and contains mostly residential houses. The land in this area is owned by a few individuals who have leased them out on mulgeni and about 75 per cent of the houses in this Ward are owned and possessed by the mulgeni tenants. These tenants are mostly factory workers and labourers who after obtaining small plots of lands from the owners on mulgeni have constructed the houses with borrowed capital at high rate of interest. These tenants are also liable under the terms of their leases to pay all existing and future taxes on their holdings.

2. That the Ward as a whole is a very fine healthy spot in the whole of the Municipality. It only required a few roads to be opened up in order to give easy access to some of the undeveloped parts.

3. That in about the year 1927, the residents of the Ward petitioned to the Municipality requesting it to open up a few roads in this area and to meet the expenses thereof from out of the general funds of the Council to which this Ward makes a fairly large contribution of about Rs. 14,000/-.

4. That since about 1930 up to date, some new roads have been opened and a few old roads widened by the Municipality in this area and some of the land owners have also given a voluntary contribution for that purpose, in cash and by lands.

5. That in the meanwhile the memorialists understand that a scheme under the Town Planning Act was being proposed for this area since about 1928. that it was under consideration before the Government for a long time and that it was finally sanctioned by the Government 9 years subsequently in May 1937.

6. That the Memorialists submit that while they were under the impression that the road development in this area was going on under the general provisions of the District Municipalities Act and while the Municipal Council also kept them under that impression by receiving voluntary contributions by cash and by lands for such road developments, they were completely in the dark as to the proceedings relating to the town planning scheme. Further, they could not imagine that such a scheme could be pending for a period of 9 years and then suddenly jump upon the rate-payers as a thunderbolt.

7. That the Memorialists further beg to submit, that the so-called scheme cannot be described as a scheme under a modern town planning Act. It only provides for a few roads. There is no provision for parks, schools, playgrounds, markets, drainage and dispensaries. Many of the roads suggested to be opened as stated above have been opened by general funds of the Municipal Council and by voluntary contributions. Even if all the proposed roads are opened, the improvement is not and will not be complete. As and when the population increases, the necessity for open grounds and drainage for which no provision is made under the existing scheme is bound to arise, which will necessitate a further scheme. Again, the Mangalore Municipal Council has not yet framed a general scheme of town planning as is required under the Act for the entire municipal area. While persistently defaulting to frame a general scheme, the Council is going on wasting its energy and money in carrying out piecemeal improvements under a number of individual schemes for different wards. When the general scheme is prepared, some of the existing schemes which are to be brought into harmony with the general scheme will necessarily have to be modified and the large expense of money spent on these individual schemes will be a sheer waste. The Memorialists therefore apprehend, that the prosecution of the present scheme of their Ward is neither prudent nor economical and will surely land them in more and more troubles.

8. That in the meanwhile, the Municipal Council has already made a claim for betterment contribution and the Revenue Divisional Officer of Mangalore is appointed as the Arbitrator to fix the market value of the lands covered by the scheme. The Arbitrator has already issued notices to about 300 land owners of whom, as already submitted, about 75 per cent are mulgeni tenants of small holdings of about 10 cents of land each.

9. That the Memorialists submit that the Council has no justification to make a claim for betterment contribution for the followiug reasons:—

(a) In the absence of a general scheme, the present scheme is only a temporary one which is bound to be modified under a general scheme and any amount spent under the present scheme will be an economic waste.

(b) The scheme as already pointed out is defective inasmuch as it does not make provisions for necessary elements of a town planning such as schools, playgrounds, parks, markets and dispensaries.

(c) That the only provision for improvement in the scheme is widening of existing roads and opening of new roads and many of them having already been carried out under the general provisions of the District Municipalities Act from out of the general funds and by voluntary contributions, the Scheme is now being utilised by the Council as a means for the recovery of the amount spent before the scheme came into force, including the voluntary contributions, under the name of betterment contribution.

(d) The remaining portion of the road development can very well be carried out under the general provisions of the District Municipalities Act with a very small expense. There is no need to have recourse to the Town Planning Act for that purpose, nor is there any need for the Council to go in for a loan to complete the road development. It can well afford to spare some amount from its general funds for the purpose. In fact, more costly roads, such as Cœlho Road in Kodiyalbail Ward were and are being done without any scheme and without any betterment contribution.

(e) There has been a uniform enhancement of property taxes on all properties within the municipal area in this year under the 5—year general revision provisions of the Act. Under this heading, the Municipal Council appointed one of its own subordinates and got the taxes enormously increased and a protest to the Council and Memorial to the Government sent in this respect by the Ratepayers' Association, Mangalore, has been of no avail. Even patent cases of injustice and oppression pointed out to the Council were summarily rejected and the whole town is groaning under the heavy burden of taxation.

(f) That since about a year many of the tile and cashew factories which were providing employment for thousands of labourers were closed and thousands of labourers are thus thrown out of employment. The 75 per cent of the landowners of the Falnir Ward who are affected by the scheme are now without employment and are utterly incapable to pay the rents and the existing taxes on their holdings and a betterment contribution will be another unbearable burden on them.

(g) The remaining 25 per cent of the landowners who come under the scheme depend upon their income from the permanently fixed rents of their mulgeni tenants who have been admittedly in arrears from a long time. These are also separately taxed by the Council on their share of the income at a uniform rate of 12 per cent which they have been paying from their pocket, even though the rent has been in arrears.

Thus, for these and various other obvious reasons the Council is neither justified in enforcing the unwanted scheme nor is it fair and legal for the Council to claim betterment contribution from the land owners.

10. That in a general meeting of the Ratepayers and the landowners of the Falnir Ward held on 15—11—1939 a Resolution expressing the general opinion of the Ward that the scheme is unnecessary and that it need not be enforced was unanimously passed and it authorised a representative committee to make representations to the Council. The Council appointed a sub-committee and both the committies met in the Council Hall on 7-12-1939 when after a long discussion, the municipal committee advised the representative committee to approach the Government for the necessary relief. Hence, the Memorialists are constrained to approach the benign Government with this humble Memorial and pray that the Government may be pleased to suspend the operation of the scheme for such time as the general scheme of town planning is framed and sanctioned and also to cancel all the proceedings now pending in connection with the town planning scheme of the Falnir Ward for which act of justice, the Memorialists will ever remain grateful to the Government.

WE BEG TO REMAIN,

SIR,

YOUR HUMBLE MEMORIALISTS,

MANGALORE,
5—1—1940.

1 J. C. Mascarenhas.

2. Tenant-Cultivator & Land-Holder.

2 C Mascarenhas.

3. Land Holder.

4. P. C. Power holder for Mrs. M. M. C.

5. Land-Lord, Mercara Hill

6 Land-Lord

Indian Catholic Press, Mangalore

7. D.A. Saldanha, Clerk, Dr. Muller's Hospital

8. H Lobo. 6/1940 Tile manufacturer.

9. + E. Mathias Coffee Planter.

10. M. Pinto, Secretary, Bishop of mangalore.

11. + Fernandes, Bishop of Mangalore.

12. Rev. Fr. Director Dr. Muller's charitable Institutions, Kankanady.

13. A. B. Rao, Director, St. Anthony's Charity Institutions.

14. B. M. Ranzani Dy. Rector of the Seminary

15. D. J. Britto, Land-lady

16. L. G. Pai Rao, for Mrs. Isabella Pai Rao. Land-lords.

17. J. Challa for A. K. E. Bangera

18. J. Stotz

19. M. Archange, A.C. Mother Superior, St. Mary's Convent. Talnir.

20. Stella Saldanha, "Palatel," Falnir, Coffee Planter

21. Mr & Mrs D'Souza

Thumb impression of Peter Rodrigues.

23. Thomas Lewis, Valli Mangalorean

24. Fernandes

25. Lucy Mesquita

26. Pereira

27. A. D'Souza.

28. K. Babu.

29. L. Mahaya Naik.

30. [illegible] Land lord. Mangalore

31. [illegible] for Rev. Fr. V. A. Lobo.

32. [illegible]

33. Thumb impression of Rosa Maria Estephania Fernandez.

34. Josephine Sequeira.

35 + mark of Mrs. J. A. Mesquita

36. [illegible]

37. [illegible]

38. [illegible] Karmana.

39. [illegible]

40. Thumb impression of Lores Pinto

41. M Chr Saldanha

42. L. P. D'Souza for Gabriel D'Souza

43. Mary M D'Silva

44. P. Fernandes for his wife Florina Dsa

45. [illegible]

46. [illegible]

47. Thumb impression of Koragolu.

48. Adelino Saldanha, Land-holder.

49. Edina Mascarenhas " "

50. Christina Saldanha.

51. Thumb impression of Mercina Souza Bai.

52. R.R. Salelerkar
Municipal Councillor.

53. T. Ramachen, Retired Civil Inspector of Police

54. T. Rodrigues, Hd. Clerk, H.V. Dispensary Kankanadi.

55. Vakil Mangalore for C.S. Rao

56. L. Andrich

57. R. Saldanha

58. K. Kamath for Dharamshi Kamji, Land holder. merchant, Mangalore,

59. Ramachandra Probate holder for the administration of T.S. No 4850

60. A. Bhascarenhas Landholder Mangalore

61. ಎ. ಭಾಸ್ಕರ ಬೈಕಾಡಿ

62. Martha Pinto

63. Rose T. Lobo, Rosa Cote' Lower Bendur.

64. Mrs. Clara Towers, wife of Mr. L.J.V. Towers I.C.S.

65. J. Fernandes

66. Braban

67. [illegible]

68. Thumb impression of Mary Magdalene D'Souza

69. [illegible]

70. Mrs. F. J. Fernandes. Land-Lessg. Mandaguddi, Mangalore.

71. M. A. Aranha

72. F. Lobo

73. R. Menezes.

74. Mrs J. Sequeira.

75. F. D'Souza

76. D'Mello

77. [illegible]

78. [illegible]

79. B. Colaco (Rev Sabit D. B. Colaco)

80 C. Sequeira for Mrs. Helen Mary Sequeira, Coffee Planter.

81. [illegible] for Cannie Lobo Kankanady

82. [illegible], for Mrs. M. M. D'Souza.

83. J. Fernandez

84. D'Souza Secretary. M. R. C. P. Fund, Mangalore

85 Esquires, for Mon. St. Joseph's Asylum Workers Dept

86. Thumb impressim of Alis Costa.

87. [illegible]

88. [illegible]

89. [illegible]

90. Thumb impressim of metilda medina.

91. [illegible]

92. [illegible] central nagar

93. Martin Ferrao

94. Thumb impressim
Simoo monteiro

95. Thumb impressim of martin Ferrao.

96. A. C. Saldanha, Clerk P. L. + Es. Mayalee

97 Thumb impressim of Anna Dsuza Rai

98 Thumb impressim of Nicholas Ferrao.

99. [illegible]

100. Thumb impressim of Hosamathias

101. Thumb impressim
Laticia Sequira

102. A. Shivamma.

103 ಎ. ಸಿದ್ದಪ್ಪ

104 J. Linga

105 [illegible]

106 Thumb impression of Mary D'Souza.

107 ನಾಗಪ್ಪಶೆಟ್ಟಿಕರಂಜ

108 ಸಣ್ಣಪ್ಪಪೂಜಾರಿ

109 [illegible]

110 Charles. Rodrigues.

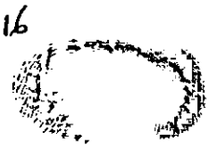
111 [illegible]

112 Thumb impression of Parameshwari

113 Thumb impression of Babu.

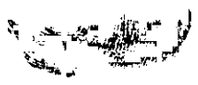
114. [illegible]

115 Thumb impression of Laxmi

116  Thumb impression of Appu wife of Krishna.

117 [illegible]

118 Thumb impressim of Thubra Kottary.

119  Thumb impressim of Venkamma

120 Thumb impressim of Subba Pujary

121 Thumb impressim of Venkamma Kottarthi.

122 Thumb impressim of Gowri

123 A. Swathy for Poovappa Kottary.

124 Thumb impressim of Baira Kottary.

125 Thumb impressim of Balayya.

126 Thumb impressim of Jacki Ferras.

127 Thumb impression of Bakuda Mudda.

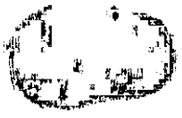
128 Thumb impressim of Nagina dobo.

129. B Prades

130 Simon d'Emellos

131. mrs. Rosy Suares for her husband J. B. Suares.

St. Paul in Prison by Charles Lebrun.

133  Signature of Pula Pinto Bai

134 Thumb impression of Angela Souza.

135 Louis D'Souza

136. [illegible]

137. [illegible]

138. [illegible]

139. [illegible]

140 A Shivaramkar

141. Mary. J. Brito. Municipal Councillor, Mangalore

142. L W Rebello for Sobrina Saldanha, Coffee Planter.

143. H. Britto. Land-Lord.

144. P M Saldanha & Sons, Highland Coffee Curing Works.

145 J. [illegible], Manager, Mysore Coffee Curing Works Chikmagalur

146 Alban Saldanha, Coffee Planter,

147. C M. C. Rebello, Silk Manufacturer.

148. " Thumb impression Mr Isabella Perina for Xavier D'silva.

149. Victor Pais For A F Coelho of Bombay

150 [illegible]

151. John P. Sequeira

152. Regina Gomes, Land-lady

153 [illegible]

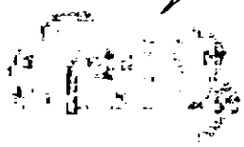
154. [illegible]

155 J. F. Pereira.
156 J. F. Mendonça
157. Alberto Raposinha, for Mrs. William Aranha
158 Thumb impression of Santan Cutinha
159 Thumb impression of Lawrence Rodrigues
160 [illegible] for Dayi Mengsu
161 [illegible]
162 S. D. Soares
163. Thumb impression of Mrs Isabella D'Souza
164. S. M. Pinto
165 S Pereira
166. D. Lobo
167. Thumb impression of David Cohelo.
168. Miguel Quadras (Thumb impression of)
169. [illegible]
170. Nicholas D'Almeida
171. Letitia D'Almeida. for Margaret D'Almeida.
172. [illegible]
173. Thumb impression of Pommappa

174. [illegible]

175. A. M. [illegible]

176. S H Signe

177.  Thumb impression of Ganga Hingasan

178. [illegible], Retired, Secretary Catholic Bank.

179. Thumb impression of Karaga.

180. Mrs B. Mathias. Coffee Planter.

181. C Thrasha

182. Bunholo for Lucy Matilda Senro Lobo

183. M. Vittal. Inspector of Police

184. Rosan S. D. Silva.

185. [illegible]

186. L. Noronha

187. Mrs. Mary Lero.

188. Mrs. Ida Fernandez.

189. Thumb impression of Nicholas Silva

190. [illegible], Retired. Dy. Inspector of Schools.

191. M. Manjappa
for M. Manorama

192. [illegible]

193. D. G. [illegible]

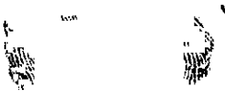
194. [illegible]

195. [illegible]

196 Mary Gonsalves, Clerk, Police office Mangalore

197. Thumb impression of Dugga

198. Thumb impression of Billa Tiampa

199.  Thumb impression of Mrs Rachel Saldhana.

200. H J Shimshappa Pandit

201. Thumb impression of Mrs Angelina Silva

202 ಕೆ. ಮಲ್ಲಪ್ಪಯ್ಯ

203. Thumb impression of Puttamma

204. Thumb impression of Nagu Hengsu

205. ಕೆಂಚಪ್ಪ

206. ಮಾಮಣಿ

207. Thumb impressing of Muthakka

208. E. M. Coelho, Clerk P.R. & Co Mangalore

209. E. M. Coelho for J. G. Coelho Telegraphist-Colombo

210. ಜೆ. ಪಿ. ಂಕಪ್ಪ

211. Thumb impression of Mathias Souza

212. [illegible]

213. Thumb impression of Billa Dooma

214. [illegible]

215. [illegible]

216. [illegible] Engineer, St. Josephs Asylum Works

217. [illegible], Sculptor & Artist.

218. Lucy Lobo

219. Thumb impression of Flora Pereira for Pascal Pereira.

220. [illegible], Land lord, Mangalore

221 [illegible] Land lord Mangalore.

222. R. Menezes

223 Paulric R Brito

224. [illegible] Agent. Oriental Life Office

225. [illegible] Agent of Mr & Mrs F. L. D'Silva

226 Thumb impression of Miranda D'Souza

227. [illegible]

228. [illegible]

229. Thumb impressim of Paul Castelino

230. Jaen Fernandes

231. Thumb impressim of K. Aithappa

232 [illegible]

233 A. D'Souza

234. Thumb impression of Louis Souza

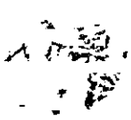
235 Mrs [illegible]

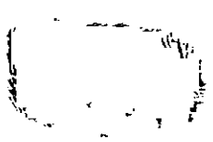
236. Alex. D. Souza

237. Gracia Mascarenhas

238. [illegible]

239. K. Kalyani Swamy.

240.  Thumb impression of Deog Miranda

241.  Thumb impression of Benny Rocha

242 Thumb impression of Mrs Gracy Martis.

243. Pattappa

244. G. A. Kuttiar — Dewan Bahadur, K. S. G.
" — Coffee & Tea Planter.

245 Lily Briones.

246.

247. A. Veeraiah

246. Jane. J. Colaco

249. Ellhatkis (Vicar, Rosario Cathedral Church, Mangalore

250 (Fernandes)

251. Offd for Antony Vigas.

252 A Saldanha
for
E. P. Saldanha.

253. Bernard D'Souza

254. J Lepnen's. Sewing Machine Agent, Balmatta Road

255. [illegible]

256 E. Soans. wife of Dr. T. Soans. Ist Registrar South Kanara

257 A. Salins, Balmatta, Mangalore.

258 Revd. H. Saldanha, Coffee Planter. Jalsur, Mangalore

259. T. Fernandes.

260. Wilfred. Saldanha for Mrs. A. M. Saldanha.

261. Fernandes, Circle Inspr. of Police (Retd) for Mrs Margaret Mathias, Attavar Road, Mangalore S.K.

262 [illegible]

263 A. A. Saldanha, Coffee planter and Land holder.

264. B. Gopalkrishna Rao.

C.F. 20.

DEPARTMENT.

3367

Received ... 27 JAN 1940 ... 19 . Registered ... 19

Subject.

TOWN PLANNING - The Falneer Town Planning Scheme - Betterment contribution - Objection against the Scheme.

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ENCLOSURES.
No. .....
Spare copies .....

No. D2/2131-37.

Station Mangalore, ., Dated the 24th January 19 40.

From (Name) Sri M. Narayana Shenoy, B.A.,B.L.,
(Designation) Commissioner, Mangalore Municipality.

To The Secretary to the Government of Madras,
Education & Public Health
Through Department.
The Chairman,Municipal Council,
Mangalore. Fort St.George,Madras.

Sir,

pp 4-5 ante In continuation of this office letter 2131/D2-37, dated the 7th December 1939, I send herewith a copy of p. 25 infra Resolution No.43, dated the 18th December 1939 of the Municipal Council together with a copy of the proceedings pp 26-27 infra of the Committee referred therein.

Commissioner, M.M.

Forwarded:

24th January 1940. B Venkatarao Balega
Chairman,M.C.

Compd/

HDU/25-1-40/a

Copy to
The Director of Town Planning, with enclosures.

25.1.

Extract from the Proceedings of the Mangalore Municipal Council, dated 18th December 1939.

x x x

43. Read council's resolution No.49, dated the 30th October 1939 referring to the Town Planning and Law Committees the letter dated the 19th October 1939 from Mr. J. M. Sequeira M. A., M. L., forwarding a copy of the resolutions passed at a meeting of the owners and rate-payers of Falneer and adjoining wards protesting against the Falneer Town Planning Scheme and the Committees' report dated the 7th December 1939.

Committees recommendation is accepted.

x x x

Sd/B. Venkatarao Baliga,
Chairman, M.C.

/True Extract/

Municipal Office, Mangalore,
Dated the 24th January 1940.

Commissioner, M.M.

Compd/ 25/1/40.

HDU/25/1/40-a

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Proceedings of the Law & the Town Planning Committees held on Thursday the 7th December 1959 at 5.30 P.M. at the Municipal Office, Mangalore.

Present.

Sri B. Venkatarao Baliga, B. A., B. L., M. L. A., Chairman, M.C.
Dr. U. P. Mallya, L. M & S., President, Town Planning Committee.
L. C. Pais Esq., B. A., B. L., Vice-Chairman.
Dr. H. V. Adappa
C. L. Lobo, Esq., B. A., B. L.,
F. P. S. Albuquerque Esq.,
Sri Pandit Gajanana Rao.

Heard the members of the "Committee". From the discussion that took place the only serious objection seems to be that if the scheme is put in force the lands benefited may be liable to the levy of betterment contribution. It was urged that most of the residents of the ward are poor and Mulgeni tenants having only small holdings to whom every inch of land is valuable so that they will not be able to bear the burden of additional taxation by way of betterment contribution and any acquisition land from the small holdings for opening roads would injuriously effect the remaining portions of the holdings. It was also urged as a reason for revoking the scheme that the area is not congested and does not require any Town Planning Scheme at present. If it is thought necessary to have a Town Planning scheme for the area it may be deferred till the economic condition of the people improves.

There was also a request that the Council itself may recommend to the Provincial Government the revocation of the scheme and that the Arbitrator (Revenue Divisional Officer) may be requested to adjourn the hearing of the

Proceedings till a Memorial is submitted and disposed of by the Government. The Committee is of opinion that no case has been made out for the council to take the initiative and request Provincial Government to take action for revoking the scheme and the committee therefore suggested to the "Committee" itself to submit a memorial to the Provincial Government to take steps to revoke the scheme.

With regard to the request made by the Committee to get the proceedings now pending before the Arbitrator adjourned this committee is of opinion that it is not necessary to do so as the only points that it will be decided at this stage are

(1) whether any land has been benefited or is likely to be benefited by the scheme and if so what these lands are.

(2) What was the market value of such lands in 1928.

The decision of these points need not be delayed.

Sd/B. Venkatarao Baliga,
7-12-39.
Chairman, M.C.

/True Copy/

Municipal Office, Mangalore,
Dated the 24th January 1940.

Commissioner, M.M.

Compd/ 10/2/40

HDU/25/1/40/a

Edw. A.P.H.
Dep.

2 I.F. C.No. 45176/39 from the Sri Mr. J. M. Sequeira, Mangalore, Petition Dt 19/
p-4 Cf. C.No. 51568/39 from the Commr., Mangalore Mty., Ref. D2131/Dg-39,
Dt 7.12.193

p. 5 Cf. Endt. of the D.T.P., No. 38818/39, Dt 13/12/39.

3. Def. C.No. 3819/40 from Sri S. Nagarajiah, Mangalore, Petition Dt 26.1.1940
4. 24 Cf. C.No. 3364/40 from the Commr., Mangalore Mty., No. D2/2131-39, Dt 24.1.1940

Town Planning —
Mangalore Mty. — Falneer Ward
Town Planning Scheme —
Claims for betterment
contribution — Petitions against
Orders passed.

30/12/39

Memo:- 5.21 P.M. Dt 12.2.40.

Order

The petitioners are informed that the proper time for making representations against the levy of betterment contribution is when the question of actual collection of betterment contribution is taken up in hand.

Let this be an order

SRV 10/2/40

SRV 10/2/40.

To

Mr. J. M. Sequeira, M.A., M.L., Mangalore.
Sri S. Nagarajiah, B.A., B.L., Secretary, Rate Payers' Association, Mangalore
The Commr., Mangalore Mty. Thro the Sec.
11 D.T.P. Thro the Sec.

Note:- Please see the

'to remarks of the Comm., Mangalore Mfg
on pp 4-5 c/f

Will be required
for reference.

10/2/40.